

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

GS HOLISTIC, LLC,

Plaintiff,

:

Case No. 3:23-cv-349

- vs -

GUS SMOKE SHOP LLC  
dba GUS SMOKE SHOP and  
GHASSAN L. AHMED,

District Judge Walter H. Rice

Magistrate Judge Michael R. Merz

Defendants.

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**REPORT AND RECOMMENDATIONS**

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Plaintiff GS Holistic, LLC, filed this case November 27, 2023, and obtained issuance of process on both Defendants (ECF Nos. 1, 2). The Chief Judge reassigned the case to District Judge Rice and referred it to the undersigned on December 19, 2023 (ECF No. 4). Judge Rice supplemented the Order of Reference on January 23, 2024 (ECF No. 5). Monitoring service of process is within the referred responsibilities.

Under Fed.R.Civ.P. 4(m) a case is to be dismissed for want of prosecution if service of process has not been completed within ninety days of filing. In this case the relevant date is February 24, 2024. On Plaintiff's Motion, the Court has twice extended that date, but the last extension expired May 24, 2024 (ECF No. 9) and the docket does not reflect perfection of service on either Defendant.

Accordingly, the Magistrate Judge respectfully recommends that this case be dismissed without prejudice for want of prosecution.

June 28, 2024.

#### **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. #

*s/ Michael R. Merz*  
United States Magistrate Judge